



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 4, 1998

Ms. Jennifer D. Soldano
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 E. 11th Street
Austin, Texas 78701-2483

OR98-1128

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115207.

The Texas Department of Transportation (the "department") received a request for information relating to "Account No. 8014-1-75; Parcel No. 69; East Ben White Boulevard, Austin, Travis County, Texas." You contend that the requested information is excepted from disclosure under section 552.105 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.105 excepts from disclosure information relating to:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Section 552.105 was designed to protect a governmental body's planning and negotiating position with respect to particular transactions. Open Records Decision No. 564 (1990) at 2. This exception protects information relating to the location, appraisals, and purchase price of property only until the transaction is either completed or aborted. Open Records Decision Nos. 357 (1982) at 3, 310 (1982) at 2. You state that "[t]he department is in the pre-negotiation stage for Parcel 69." Based on this information and your assertion that the "information requested includes negotiation and appraisal information," we conclude that the department may withhold the requested information from disclosure pursuant to section 552.105.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Karen Hattaway". The signature is written in a cursive, flowing style.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 115207

Enclosures: Submitted documents

cc: Mr. Stephen I. Adler
Barron, Adler & Anderson
808 Nueces Street
Austin, Texas 78701
(w/o enclosures)